

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

Saurish Halder,

Plaintiff,

v.

Dallas Independent School District,

Defendant.

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: Civil Action No.: 3:16-cv-3098
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COMPLAINT

For this Complaint, Plaintiff, Saurish Halder, by undersigned counsel, states as follows:

JURISDICTION

1. This action arises out of Defendant's violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* (the "TCPA").
2. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that Defendant transacts business in this District and a substantial portion of the acts giving rise to this action occurred in this District.

PARTIES

3. Plaintiff, Saurish Halder ("Plaintiff"), is an adult individual residing in Irving, Texas, and is a "person" as defined by 47 U.S.C. § 153(39).
4. Defendant Dallas Independent School District ("DISD"), is a Texas business entity with an address of 3700 Ross Avenue, Dallas, Texas 75204-5491, and is a "person" as defined by 47 U.S.C. § 153(39).

FACTS

5. In or around January 2014, DISD began placing calls Plaintiff's cellular telephone, number 214-xxx-2169, using an automatic telephone dialing system ("ATDS") and/or using an artificial or prerecorded voice.

6. When Plaintiff answered calls from DISD, he heard a prerecorded message regarding DISD events.

7. Plaintiff does not have a relationship with DISD and never requested by agreement or otherwise that it call his cellular telephone number,

8. On several occasions, Plaintiff advised DISD that he had no children in the school system and directed DISD to remove his number from its list.

9. Nevertheless, DISD continued to place automated calls to Plaintiff's cellular telephone number.

COUNT I
VIOLATIONS OF THE TCPA – 47 U.S.C. § 227, ET SEQ.

10. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

11. Without prior express consent, Defendant placed automated calls to Plaintiff's cellular telephone number in violation of 47 U.S.C. § 227(b)(1)(A)(iii).

12. Defendant continued to place automated calls to Plaintiff's cellular telephone number despite knowing that it lacked consent to do so. As such, each call placed to Plaintiff was made in knowing and/or willful violation of the TCPA, and subject to treble damages pursuant to 47 U.S.C. § 227(b)(3)(C).

13. The telephone number called by Defendant was assigned to a cellular telephone service for which Plaintiff incurs charges pursuant to 47 U.S.C. § 227(b)(1).

14. Plaintiff was annoyed, harassed and inconvenienced by Defendant's continued calls.

15. The calls from Defendant to Plaintiff were not placed for "emergency purposes" as defined by 47 U.S.C. § 227(b)(1)(A)(i).

16. Defendant's telephone system has the capacity to store numbers in a random and sequential manner.

17. As a result of each call made in negligent violation of the TCPA, Plaintiff is entitled to an award of \$500.00 in statutory damages for each call in violation of the TCPA pursuant to 47 U.S.C. § 227(b)(3)(B).

18. As a result of each call made in knowing and/or willful violation of the TCPA, Plaintiff is entitled to an award of treble damages in an amount up to \$1,500.00 pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendant:

- A. Statutory damages of \$500.00 for each violation determined to be negligent pursuant to 47 U.S.C. § 227(b)(3)(B);
- B. Treble damages for each violation determined to be willful and/or knowing pursuant to 47 U.S.C. § 227(b)(3)(C); and
- C. Such other and further relief as may be just and proper.

TRIAL BY JURY DEMANDED ON ALL COUNTS

Dated: November 4, 2016

Respectfully submitted,

By /s/ Jenny DeFrancisco

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CT Bar # 432383

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